

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**THE OHIO WILLOW WOOD  
COMPANY,**

**Plaintiff,**

**v.**

**ALPS SOUTH, LLC,**

**Defendant,**

**and**

**ALPS SOUTH, LLC,**

**Plaintiff,**

**v.**

**THE OHIO WILLOW WOOD  
COMPANY. et al.,**

**Defendants.**

**Case Nos. 2:05-CV-1039 and 2:09-CV-1027  
JUDGE EDMUND A. SARGUS, JR.  
MAGISTRATE JUDGE TERENCE P. KEMP**

**ORDER**

This Court held a telephone status conference in this matter on November 9, 2011. As discussed at that conference, the parties shall brief the Court on the following issues no later than **November 23, 2011**:

- (1) The parties' respective positions on the fundamental changes occurring during the review process with regard to their claims, including how much discovery remains and the steps that must be taken in order to proceed to trial;
- (2) The amount of discovery that has occurred thus far and the amount of discovery that still remains, including expert witness testimony;

- (3) The parties' respective positions as to whether a claims construction hearing is necessary;
- (4) The parties' proposed scheduling order as to experts, discovery, claims construction, etc.
- (5) The parties' respective positions as to how the antitrust and Lanham Act claims should proceed; and
- (6) A proposed briefing schedule with regard to the intervening rights issue, including a tentative hearing date.

Simultaneous response briefs shall be filed no later than November 30, 2011.

**IT IS SO ORDERED.**

11/9/2011  
DATED

  
TERENCE P. KEMP  
UNITED STATES MAGISTRATE JUDGE

11-9-2011  
DATED

  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE